

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MOISES MENDEZ,	:	x
	:	
	:	
Plaintiff,	:	08-CIV-4967 (CM) (KNF)
	:	
v.	:	<b><u>ECF CASE</u></b>
	:	
STARWOOD HOTELS AND RESORTS	:	
WORLDWIDE, INC.,	:	<b><u>NOTICE OF MOTION</u></b>
	:	
Defendant.	:	
	:	

PLEASE TAKE NOTICE THAT, upon the Declaration of Michael Starr, Esq., and the exhibit attached thereto; and all prior pleadings and papers filed in this action, Defendant, Starwood Hotels and Resorts Worldwide, Inc. will move this Court at United States District Court, Southern District of New York, 500 Pearl Street, New York, New York, 10007, on such date and time as the Court sets, to dismiss the above-referenced action pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure and to compel arbitration asserted therein pursuant to the Federal Arbitration Act, 9 U.S.C. §§ 1 et seq.

Dated: New York, New York  
June 27, 2008

HOGAN & HARTSON LLP

By: /s/  
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*Attorneys for Defendant*

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STARWOOD HOTELS AND RESORTS :  
WORLDWIDE, INC., :  
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CERTIFICATE OF SERVICE

I, Christine M. Wilson, certify under penalty of perjury that I caused a true and correct copy of the foregoing Motion to Dismiss and accompanying papers to be served on the 27<sup>th</sup> day of June 2008 by first class U.S. mail and by electronic means to the following counsel of record:

Kenneth P. Thompson, Esq.  
Ariel Yigal Graff, Esq.  
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350 Fifth Avenue  
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/s/

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*Attorneys for Defendant Starwood Hotels &  
Resorts Worldwide, Inc.*